IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 27179 of 2007(I)

PETITIONER:

C.R.MANOHARAN, KARAYATTUTHARA HOUSE,
POORNASREE, POONITHURA, KOCHI
ERNAKULAM DISTRICT.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS:

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1. THE REGIONAL TRANSPORT OFFICER,
ERNAKULAM.

2. K.C.VARKEY, KUNNATHOOR HOUSE, ALAPURAM,
ELANJI, ERNAKULAM.

R1 BY GOVT. PLEADER SMT. PUSHPALATHA.
R2 BY ADV. SRI.THOMAS K.C.KUNNATHOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 27179 OF 2007 I
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Dated this the 31st October, 2007

J U D G M E N T

The prayer sought for in this writ petition is to direct the 1st respondent to consider Ext.P6 representation and also to issue the varied permit to the 2nd respondent without effecting any changes with respect to the existing timings. This contention is sought to be supported by referring to Ext. P3. Petitioner, however submits that thereafter variation was granted subject to settlement of timings as per Ext. P4 and that Ext. P5 settlement of timing has also been done. It is objecting this that the petitioner filed Ext. P6 and that the prayer sought for is to direct consideration of Ext.P6.

2. The 2nd respondent has filed a counter affidavit. It is stated that after Ext. P4 proceedings of the 1st respondent, variation was granted subject to settlement of timing. Thereupon, the 2nd respondent had submitted a representation seeking settlement of timing

in a vacancy that was available. According to the 2nd respondent, in the timing conference held on 6-9-2007 his timings were settled and that it was after considering the objections raised by the petitioner himself. This submission is seen to be correct, as is evident from Ext. R2(b) proceedings of the 1st respondent.

3. The facts being so, the allegation in the writ petition is that it was without notice to the petitioner and without considering anybody's objection that timing of the 2nd respondent was settled is factually incorrect and it is on that basis this writ petition has been filed. In view of the above, writ petition lack merits and deserves to be dismissed. I do so.

ANTONY DOMINIC
JUDGE

jan/-